



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,401	10/03/2003	Tod S. Ryan	11247/11907	1007

7590 10/17/2007
Audrey A. Millemann
Weintraub Genshlea Chediak Sproul
11th Floor
400 Capitol Mall
Sacramento, CA 95814

EXAMINER

FIELDS, BENJAMIN S

ART UNIT	PAPER NUMBER
----------	--------------

4132

MAIL DATE	DELIVERY MODE
-----------	---------------

10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,401

Applicant(s)

RYAN, TOD S.

Examiner

BENJAMIN S. FIELDS

Art Unit

4132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amadon et al. (US Pat. No. 5,673,306), [hereinafter Amadon] in view of Lema et al. (US PG Pub. No. 2002/0065721), [hereinafter Lema].

Referring to Claim 1: Amadon teaches a method of providing an opportunity for a person to purchase cellular telephone service (Amadon: Abstract; Column 2, Lines 45-48//Amadon discusses a system which provides an opportunity for an individual to purchase a cellular telephone service [rental of cellular telephones]), transmitting said purchase information to a provider of cellular telephone service (Amadon: Column 2, Lines 50-53; Column 2, Lines 58-64//Amadon discloses a system where the purchase information is sent to the telephone switch [provider] in order for generation of billing requirements to occur//); receiving authorization to activate cellular telephone service for said person (Amadon: Figure 8; Column 3, Lines 21-35; Claim 1//Amadon teaches a system which verifies user authentication – this authentication serves as authorization to activate cellular telephone service for a given individual//); and transmitting said authorization to said provider of cellular telephone service (Amadon: Column 3, Lines

21-35; Column 6, Lines 45-54//Amadon discusses a system which additionally transmit authorization to a provider//).

Amadon, however, does not expressly teach a cellular telephone provision system which provides information about cellular telephone service to a person, wherein said person is a prospective purchaser of cellular telephone service; receiving information from said person pertaining to the purchase of said cellular telephone service; providing said person with information from said provider of cellular telephone service.

Lema, in a similar environment, shows a cellular telephone query/provision system which provides information about cellular telephone service to a person (Lema: Figures 1-3, 7-9, 12; Page 2, Paragraphs 0036, 0038//Lema teaches a system which informs an individual regarding available cellular telephone service options, etc.//), wherein said person is a prospective purchaser of cellular telephone service (Lema: Figures 1-3, 7-9, 12; Page 2, Paragraphs 0036, 0038); receiving information from said person pertaining to the purchase of said cellular telephone service (Lema: Figures 1-3, 7-9, 12; Page 2, Paragraphs 0036, 0037//Lema discloses a system where an individual is allowed to interact with the network//); providing said person with information from said provider of cellular telephone service (Lema: Figures 1-3, 7-9, 12; Page 10, Paragraphs 0209-0212//The network/system of Lema allows an individual to gather information from actual cellular telephone providers//).

At the time of the invention it would have been obvious to modify the method of Amadon in efforts to enhance user interaction with the invention of Lema for the

purposes of catering to specific consumer needs and objectives (Lema: Page 2, Paragraph 0035).

Referring to Claim 2: Lema discloses the limitations of Claim 1.

Lema, however, does not expressly teach a method further comprising, wherein said transmitting of said purchase information is to said cellular telephone service provider's billing system.

Amadon, in a similar environment, discloses a method further comprising, wherein said transmitting of said purchase information is to said cellular telephone service providers billing system (Amadon: Column 2, Lines 50-53; Column 2, Lines 58-64//Amadon teaches a system where purchase information can be relinquished to the service providers billing network//).

Referring to Claim 3: Lema discloses the limitations of Claim 1.

Lema, however, does not expressly show a method, wherein said transmitting of said authorization to said cellular telephone service provider is to said cellular telephone service provider's billing system.

Amadon, in a similar environment, shows a method, wherein said transmitting of said authorization to said cellular telephone service provider is to said cellular telephone service provider's billing system (Amadon: Claim 1; Figure 8; Column 3, Lines 21-35; Column 6, Lines 45-54//Amadon shows authorization can occur to a service providers billing system//).

Referring to Claim 4: Lema discloses the limitations of Claim 1.

Lema, however, does not expressly disclose a method, wherein said purchase information includes information necessary to perform a credit check.

Amadon, in a similar environment, discloses a method, wherein said purchase information includes information necessary to perform a credit check (Amadon: Column 6, Lines 45-54//Amadon teaches a system where a credit check takes place utilizing purchase information [i.e., user info, etc.]//).

Referring to Claim 5: Lema discloses the limitations of Claim 1.

Lema, however, does not expressly discuss a method, wherein said information from said provider of cellular telephone service includes a credit approval.

Amadon, in a similar environment, teaches a method, wherein said information from said provider of cellular telephone service includes a credit approval (Amadon: Claim 1; Column 6, Lines 45-54//Amadon discloses a system where a credit approval occurs from a cellular telephone provider//).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marchbanks et al. (US Pat. No. 6,266,401) teach a consolidated billing system and method for use in telephony networks.

Felger (US Pat. No. 6,282,276) shows a method of billing a value-added call.

Lipsit (US Pat. No. 6,748,209) discloses a method and apparatus for storing activation data in a cellular telephone.

Any inquiry concerning this communication should be directed to Benjamin S. Fields at telephone number 571.272.9734. The examiner can normally be reached Monday through Thursday, 9am to 7pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached at (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

2 October 2007

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER
